

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

GEORGE HAWKINS

Plaintiff,

v.

GLENN YOUNGKIN, in his official
capacity as Governor of Virginia, and
KELLY GEE, in her official
capacity as Secretary of the Commonwealth
of Virginia

Defendants.

Civil Action No. 3:23-cv-00232

**PLAINTIFF’S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
MOTION REQUESTING JUDICIAL NOTICE OF INFORMATION RELEVANT TO
SUMMARY JUDGMENT**

Plaintiff, by and through his undersigned counsel, requests that this Court, pursuant to Rule 201 of the Federal Rules of Evidence, take judicial notice of the following Exhibits A-F relevant to the parties’ forthcoming cross-motions for summary judgment, and in support states as follows:

A. Information and Documents Subject to Plaintiff’s Motion Requesting Judicial Notice

1. Information contained on the Commonwealth of Virginia’s official Restoration of Rights website, homepage available at <https://www.restore.virginia.gov/>, a true and correct copy of which is attached as **Exhibit A** (last accessed on Jan. 23, 2024).

2. Information contained on the Commonwealth of Virginia’s official Restoration of Rights “Frequently Asked Questions” webpage, available at <https://www.restore.virginia.gov/frequently-asked-questions/>, a true and correct copy of which is attached as **Exhibit B** (last accessed on Jan. 23, 2024).

3. Information contained on the Commonwealth of Virginia’s official “Restoration of Rights Process” webpage, available at <https://www.restore.virginia.gov/restoration-of-rights-process/>, a true and correct copy of which is attached as **Exhibit C** (last accessed on Jan. 23, 2024).

4. The Office of the Governor’s List of Pardons, Commutations, Reprieves and Other Forms of Clemency to the General Assembly of Virginia, Senate Document No. 2, dated January 15, 2023, available at <https://rga.lis.virginia.gov/Published/2023/SD2/PDF>, a true and correct copy of which is attached as **Exhibit D**.

5. Governor Youngkin’s announcement of additional administration and board appointments, dated September 29, 2023, available at <https://www.governor.virginia.gov/newsroom/news-releases/2023/september/name-1015149-en.html>, a true and correct copy of which is attached as **Exhibit E**.

6. Governor Youngkin’s announcement of additional administration and board appointments, dated October 13, 2023, available at <https://www.governor.virginia.gov/newsroom/news-releases/2023/october/name-1015925-en.html>, a true and correct copy of which is attached as **Exhibit F**.

B. Basis for Motion Requesting Judicial Notice

7. On January 27, 2024, counsel for the Plaintiff emailed counsel for the Defendants providing notice of Plaintiff’s intent to use—and ask the Court to take judicial notice of—some or all of the documents and information contained in Exhibits A-F. Counsel for the Plaintiff provided counsel for the Defendants with identical hyperlinks as provided above and identical copies of the documents marked as Exhibits A-F.

8. On January 29, 2024, counsel for the Defendants confirmed that “Defendants have no objection to Plaintiff seeking judicial notice of the documents you have listed.”

9. Facts that are “not subject to reasonable dispute” insofar as they “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned” are subject to judicial notice. Fed. R. Evid. 201(b).

10. Indeed, courts “routinely take judicial notice of information contained on state and federal government websites.” *U.S. v. Garcia*, 855 F.3d 615, 622 (4th Cir. 2017) (taking judicial notice of a portion of the USCIS website); *see also Hall v. Virginia*, 385 F.3d 421, 424 n.3 (4th Cir. 2004) (taking judicial notice of statistics on Virginia Division of Legislative Services website).

11. Here, the documents and information subject to this Motion are publicly available on official government websites, and are created, posted, published, and/or maintained by the Defendants.

12. Because the documents and information at issue are publicly available on official government websites, the facts contained therein are not subject to reasonable dispute and this Court may accurately and readily determine the facts at issue—namely:

- a. Information about how to apply for restoration of voting rights, check the status of an application, request a copy of a grant order, and how to contact the Secretary of the Commonwealth to request consideration for restoration of rights;
- b. Information about the restoration of rights process;
- c. How to download and print the current restoration of rights application;
- d. Answers to frequently asked questions concerning eligibility and length of time to get rights restored, among other topics;
- e. Names of individuals for whom Governor Youngkin restored civil rights in 2022; and

f. Governor Youngkin's appointment of the Hons. Bill DeSteph and John Cosgrove to positions within the Governor's administration.

13. Plaintiff contends that Exhibits A-F are relevant to the parties' forthcoming cross-motions for summary judgment and may rely on some of all of the information contained in Exhibits A-F in support of his Motion for Summary Judgment and/or in opposition to Defendants' anticipated cross-motion.

C. Relief Requested

Accordingly, for the foregoing reasons, Plaintiff respectfully requests that the Court grant his Motion Requesting Judicial Notice of Exhibits A-F.

Dated: February 5, 2023

Respectfully submitted,

/s/ Terry C. Frank

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CERTIFICATE OF SERVICE

I certify that on February 5, 2024, I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a “Notice of Electronic Filing” to the following CM/ECF participants:

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